

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
ROSENBERG et al.

Serial No. 09/037,792

Filed: March 10, 1998

For: MULTIPHASE ACTIVE INGREDIENT-CONTAINING FORMULATIONS



) Art Unit: 1617

) Examiner: Webman

APR 12 2000

TECH CENTER 1600/291

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:

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REQUEST FOR RECONSIDERATION

Sir:

Responsive to the Office Action mailed on November 04, 1999, applicants request favorable reconsideration of the above-identified application in the light of the following remarks.

REMARKS

Claims 5-10 and 12 have been rejected under 35 USC 102(b) as being anticipated by Choi et al. Applicants assert that the instant claims do not read on the disclosure of Choi et al., as the instant claims require that the composition comprise at least two phases prior to plasticizing, which is not seen in the Choi reference. Applicants therefore request that the rejection of claims 5-10 and 12 as anticipated by Choi et al. be withdrawn.

Claim 11 has been rejected under 35 USC 103(a) as being unpatentable over Choi

et al as applied to claims 5-10 and 12, and further in view of O'Hagen et al. Applicants
assume that the examiner intended to refer to claim 10 rather than claim 11, since claim
10 is directed to the embodiment of the invention wherein a flavoring is added to the matrix
phase. Applicants submit that a prima facie case of obviousness has not been established
by the examiner because the Choi reference does not disclose nor suggest the claimed
process, with or without the inclusion of a flavoring in the matrix phase. Therefore, the
rejection under 35 USC 103(a) should be withdrawn.

A check in the amount of \$ 380.00 is attached hereto for the required two-month extension of time fee.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF



Malcolm J. MacDonald
Reg. No. 40,250



1101 Connecticut Ave., N.W.
Washington, D.C. 20036
(202)659-0100

MJM/lc